

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK REBAR INSTALLATION, INC. and
UNITED STATES REBAR, INC.,

Plaintiffs,

- against-

ROBERT LEDWITH, TERRENCE MOORE,
FRED LEMOINE, KEVIN KELLY, ALFRED G.
GEROSA, KEVIN O'BRIEN, JOHN BRUNETTI,
and DENNIS ULVERSOY, as TRUSTEES of the
LOCAL #46 METALLIC LATHERS UNION AND
REINFORCING IRON WORKERS PENSION
FUND,

Defendants.

ROBERT LEDWITH, TERRENCE MOORE,
FRED LEMOINE, KEVIN KELLY, ALFRED G.
GEROSA, KEVIN O'BRIEN, JOHN BRUNETTI,
and DENNIS ULVERSOY, as TRUSTEES of the
LOCAL #46 METALLIC LATHERS UNION AND
REINFORCING IRON WORKERS PENSION
FUND,

Counterclaim Plaintiffs,

- against -

NEW YORK REBAR INSTALLATION, INC. and
UNITED STATES REBAR, INC., and CHARLES
DOHERTY,

Counterclaim Defendants.

NO. 07-CIV-7607(CM)

DECLARATION OF DAVID J. LAURENT

I, David J. Laurent, declare, under penalty of perjury under the laws of the United States, that the following statements are true and correct to the best of my knowledge, information, and belief:

1. I am a shareholder in the law firm of Buchanan, Ingersoll & Rooney PC, the attorneys herein for Plaintiffs/Counterclaim Defendants New York Rebar Installation, Inc., Unites States Rebar, Inc., and Charles Doherty. I have been admitted to practice in this case *Pro Hac Vice*, I am familiar with all of the facts and circumstances of this case, and I submit this Declaration in support of Charles Doherty's Motion for Partial Summary Judgment.

2. Attached as Appendix Exhibit 1 is a true and correct copy of Defendant/Counterclaim Plaintiffs' Answer, Affirmative Defenses and Counterclaim that was filed herein.

3. Attached as Appendix Exhibit 2 is a true and copy of a Settlement Agreement that was executed and approved by the Court in a case previously pending in the United States District Court for the Eastern District of New York captioned *Local #46 Metallic Lathers Union and Reinforcing Iron Workers Pension Fund, et al v New York Rebar, Inc*, No. CV-05-2356 (referred to in the Notice of Motion, Statement of Material Facts, and Memorandum of Law being filed herewith as the "Delinquent Contribution Lawsuit").

4. Attached as Appendix Exhibit 3 is a true and correct copy of the Release that was signed on or about July 29, 2008 as part of the settlement of the Delinquent Contribution Lawsuit.

5. Attached as Appendix Exhibit 4 are true and correct copies of correspondence from counsel for the Trustees of the Local 46 Pension Fund to United States Rebar, Inc., with respect to the Fund's assessment of withdrawal liability against United States Rebar, Inc.

6. Attached as Appendix Exhibit 5 is a true and correct copy of an Amended Complaint and Jury Demand (without exhibits), that was filed in a case previously pending in the United States District Court for Eastern District of New York captioned *Robert Ledwith, et al. v. Charles Doherty, et al.*, No. 07-CIV-4237 (DGT) (referred to in the Notice of Motion, Statement of Material Facts, and Memorandum of Law being filed herewith as the “RICO Lawsuit”).

7. Attached as Appendix Exhibit 6 is a true and correct copy of the Notice of the Defendants' Motion to Dismiss Plaintiffs' Complaint that was served on opposing counsel in the RICO Lawsuit.

8. Attached as Appendix Exhibit 7 is a true and correct copy of Plaintiffs' Memorandum of Law in Opposition to Motion to Dismiss (without exhibits) that was served on opposing counsel in the RICO Lawsuit.

9. Attached as Appendix Exhibit 8 is a true and correct copy of the Notice of Defendants' Motion for Summary Judgment that was served on opposing counsel in the RICO Lawsuit.

10. Attached as Appendix Exhibit 9 is a true and correct copy of the Affirmation of Michael M. Rabinowitz that was served on opposing counsel in support of the Defendants' Motion for Summary Judgment in the RICO Lawsuit.

11. Attached as Appendix Exhibit 10 is a true and correct copy of the Affidavit of Charles Doherty that was served on opposing counsel in support of the Defendants' Motion for Summary Judgment in the RICO Lawsuit.

12. Attached as Appendix Exhibit 11 is a true and correct copy of the Affidavit of Thomas E. McDonagh that was served on opposing counsel in support of the Defendants' Motion for Summary Judgment in the RICO Lawsuit.

13. Attached as Appendix Exhibit 12 is a true and correct copy of the Stipulation of Dismissal that was filed to resolve the RICO Lawsuit on or about June 26, 2008.

14. Attached as Appendix Exhibit 13 is a true and correct copy of correspondence that United States Rebar, Inc. sent to Local 46 of the Metallic Lathers Union providing notice that United States Rebar, Inc.'s Collective Bargaining Agreement would be terminated effective as of June 30, 2005. Also attached as part of Exhibit 13 is a true and correct copy of Article XIII of said Collective Bargaining Agreement, confirming that it could be terminated effective as of June 30, 2005.

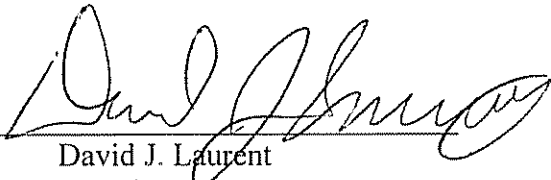
15. Attached as Appendix Exhibit 14 are true and correct copies of correspondence between United States Rebar, Inc. and the Local 46 Metallic Lathers Union dated April 6, April 18, April 21, and April 28, 2005 regarding the termination of United States Rebar, Inc.'s Collective Bargaining Agreement.

16. Attached as Appendix Exhibit 15 are true and correct copies of the Local 46 Metallic Lathers Union's unfair labor practice charge against United States Rebar, Inc. dated July 12, 2005, and the National Labor Relations Board, Region 29's September 13, 2005 letter notifying United States Rebar, Inc. that it approved the withdrawal of the foregoing unfair labor practice charge.

17. Attached as Appendix Exhibit 16 is a true and correct copy of the Information that was filed in a case pending in the United States District Court for the Eastern District of New York, captioned *United States of America v. Charles Doherty*, No. CR-05-0494.

18. Attached as Appendix Exhibit 17 is a true and correct copy of the Docket Sheet from the Delinquent Contribution Lawsuit.

19. Attached as Appendix Exhibit 18 are true and correct copies of letters dated November 27, 2007 and July 14, 2008 relating to the payment of the final settlement funds in the Delinquent Contribution Lawsuit.



David J. Laurent
8/19/08

Date

INDEX TO APPENDIX OF ATTACHED EXHIBITS

Exhibit 1	Defendant/Counterclaim Plaintiffs' Answer, Affirmative Defenses, and Counterclaims
Exhibit 2	Settlement Agreement dated April 7, 2006 in the Delinquent Contribution Lawsuit
Exhibit 3	Release dated July 27, 2008 in the Delinquent Contribution Lawsuit
Exhibit 4	Trustees' letters assessing and upholding the assessment of withdrawal liability
Exhibit 5	Trustees' Amended Complaint in the RICO Lawsuit
Exhibit 6	US Rebar's and Doherty's Notice of Motion to Dismiss the RICO Lawsuit
Exhibit 7	Trustees' Opposition to Motion to Dismiss the RICO Case
Exhibit 8	US Rebar's and Doherty's Notice of Motion for Summary Judgment in the RICO Lawsuit
Exhibit 9	Affirmation of Michael Rabinowitz
Exhibit 10	Affidavit of Charles Doherty
Exhibit 11	Affidavit of Thomas McDonagh
Exhibit 12	June 26, 2008 Stipulation of Dismissal filed in the RICO Lawsuit
Exhibit 13	US Rebar' Collective Bargaining Agreement termination notice dated February 24, 2005 and Article XIII from the Collective Bargaining Agreement
Exhibit 14	US Rebar's letters to the Union dated April 6, April 18, April 21, and April 28, 2005
Exhibit 15	Union's Unfair Labor Practice Charge and NLRB Dismissal Letter
Exhibit 16	Criminal Information
Exhibit 17	Delinquent Contribution Lawsuit Docket Sheet
Exhibit 18	Delinquent Contribution Lawsuit Settlement Payment Records